

**Rezoning
Staff Report**

Planning & Zoning Commission Public Hearing Date: September 9, 2024
City Council Public Hearing Date: September 16, 2024

Rezoning Case: Z24-011
Property Owner(s): Scott R. Wilson
Applicant(s): Mike Arledge
Legal Description: A 1.991 tract of land situated in the Jesse Pruitt Survey, Abstract 629
Location: 420 block (west side) of South Persimmon Street (Exhibit “A”)
Area: 1.991 acres
Comp Plan Designation: Neighborhood Residential (Exhibit “B”)
Present Zoning: Single-Family Residential – 6 (SF-6) District (Exhibit “C”)
Request: Rezone from the Single-Family Residential – 6 (SF-6) to the Commercial (C) District

Adjacent Zoning & Land Uses:

North: Single-Family Residential – 6 (SF-6) / Dwelling – Single-Family detached (2)
South: Single-Family Residential – 6 (SF-6) / Vacant land
East: Commercial (C) / Office warehouse/commercial buildings
West: Single-Family Residential – 6 (SF-6) / Vacant land

BACKGROUND

The subject property has been within the City of Tomball’s SF-6 zoning district since the adoption of zoning in February 2008. Additionally, the properties on the east side of South Persimmon Street have been within the Commercial (C) district since the adoption of zoning. In April and September of 2008 two rezoning cases were approved to the south of the subject property, both of which rezoned from SF-6 to the Commercial (C) district and were developed into office/warehouse buildings. The applicants’ request aims to allow for the development of a multibuilding office/warehouse park similar to these two developments.

ANALYSIS

Comprehensive Plan Recommendation: The property is designated as “Neighborhood Residential” by the Comprehensive Plan’s Future Land Use Map. The Neighborhood Residential category is intended for areas predominantly comprised of single-family detached housing.

According to the Comprehensive Plan land uses should focus on promoting safe and desirable neighborhoods, with single-family detached residential being the primary use. Appropriate secondary uses include parks, schools, and other public facilities.

The Comprehensive Plan identifies the following zoning districts as compatible with the Neighborhood Residential category: Single-Family Estate Residential - 20 (SF-20-E), Single-Family Residential – 9 (SF-9), and Single-Family Residential - 6 (SF-6).

Staff Review Comments: The subject property is directly adjacent to the SF-6 district on three sides (north, south, and west) which makes the commercial development of the site difficult and may deter future single-family oriented developments on the adjacent properties. The approval of the requested zoning will promote a new development that is inconsistent with the type of development patterns and character endorsed by the Future Land Use Plan for this area.

PUBLIC COMMENT

A Notice of Public Hearing was published in the paper and property owners within 300 feet of the project site were mailed notification of this proposal on August 19, 2024. Any public comment forms will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

RECOMMENDATION

Based on the findings outlined in the analysis section of this staff report, City staff recommends denial of Zoning Case Z24-011.

EXHIBITS

- A. Aerial Location Map
- B. Future Land Use Plan
- C. Zoning Map
- D. Site Photos
- E. Rezoning Application

Exhibit "A"
Aerial Location Map



Location

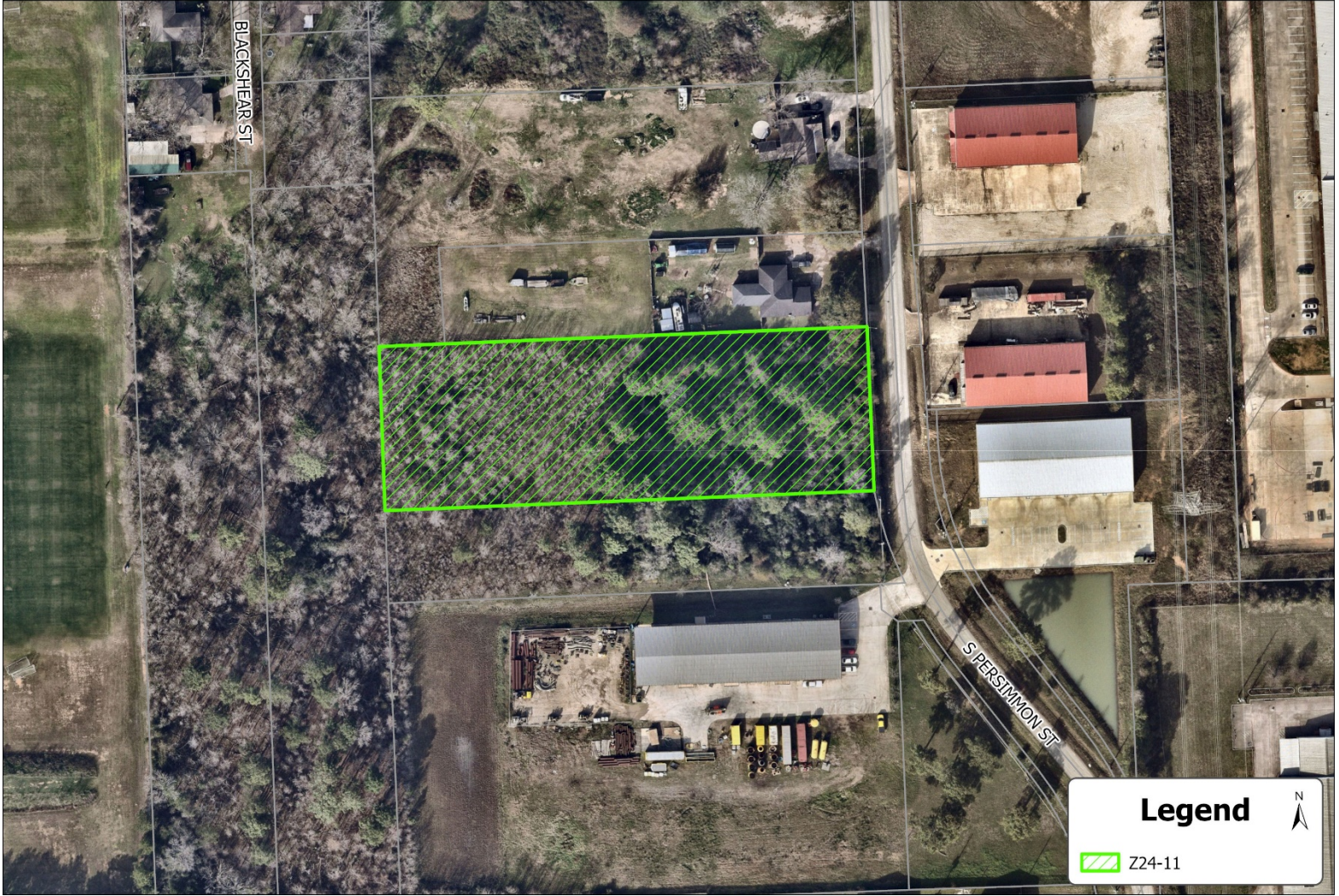


Exhibit "B"
Future Land Use Plan



Future Land Use

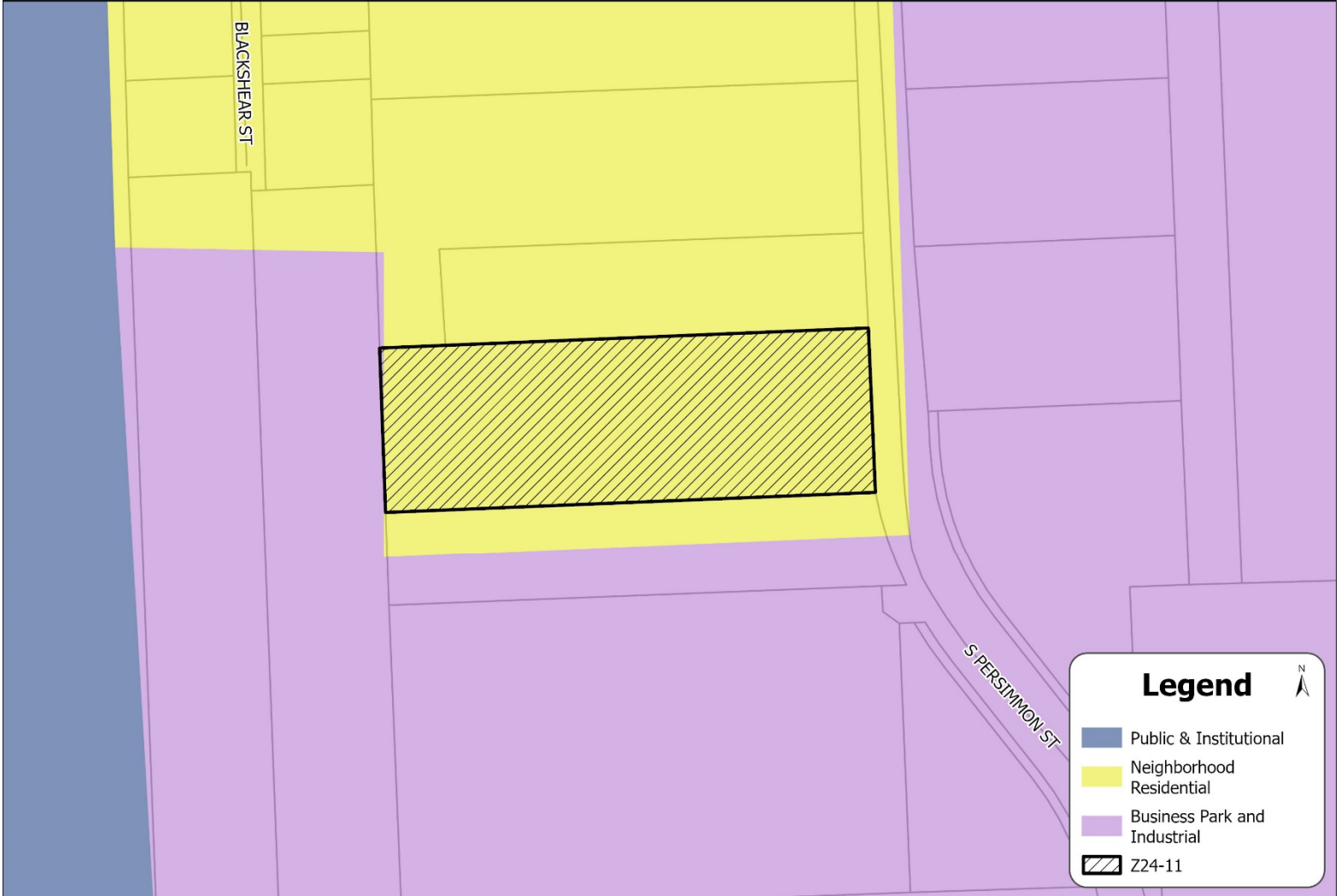


Exhibit "C"
Zoning Map



Zoning

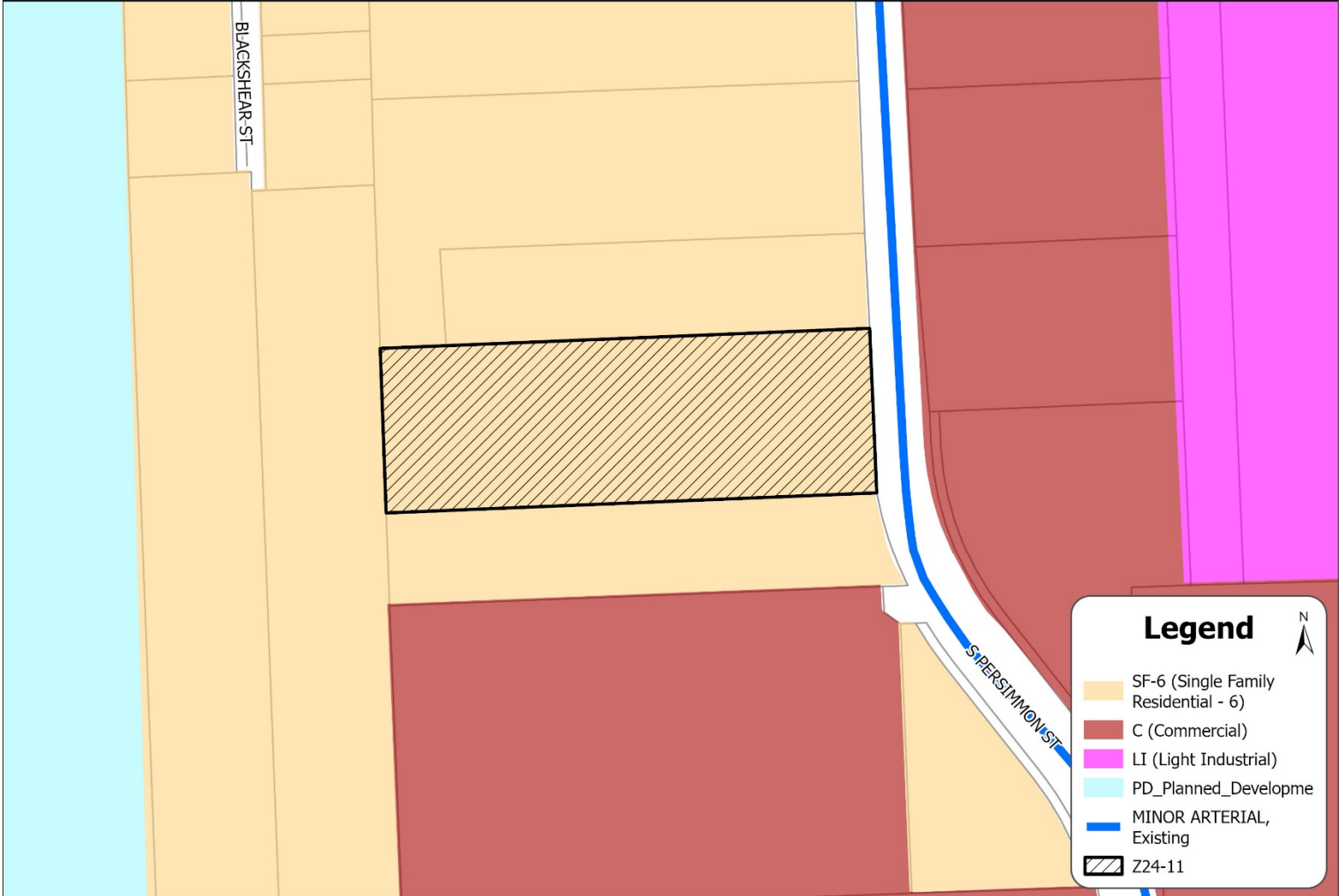


Exhibit "D"
Site Photo(s)

Subject Site



Neighbor (North)



Neighbor (North)



Neighbor (South)



Neighbor (East)



Neighbor (West)



Exhibit "E"
Rezoning Application

Authentign ID: 14955ESC-984B-EF11-86C3-0022482708E1

Revised: 08/25/2023



APPLICATION FOR RE-ZONING

Community Development Department
Planning Division

APPLICATION REQUIREMENTS: Applications will be *conditionally* accepted on the presumption that the information, materials and signatures are complete and accurate. If the application is incomplete or inaccurate, your project may be delayed until corrections or additions are received.

FEES: Must be paid at time of submission or application will not be processed.

- \$1,000.00 fee for requests to rezone to standard zoning districts
- \$1,500.00 fee for request to rezone to Planned Development districts.

DIGITAL APPLICATION SUBMITTALS:

PLEASE SUBMIT YOUR APPLICATIONS AND PLANS DIGITALLY WITHIN SMARTGOV

WEBSITE: ci-tomball-tx.smartgovcommunity.com

Applicant

Name: Mike Arledge Title: buyer
 Mailing Address: 11902 gatesden dr City: tomball State: tx
 Zip: 77377 Contact: Jon Arledge
 Phone: (832) 922 8839 Email: jon@arledgeinterests.com

Owner

Name: Scott R. Wilson Title: Owner/Seller
 Mailing Address: 17515 spring cypress suite 308 City: cypress State: tx
 Zip: 77429 Contact: Jon Arledge
 Phone: (832) 9228839 Email: jon@arledgeinterests.com

Engineer/Surveyor (if applicable)

Name: _____ Title: _____
 Mailing Address: _____ City: _____ State: _____
 Zip: _____ Contact: _____
 Phone: (____) _____ Fax: (____) _____ Email: _____

Description of Proposed Project: office for company

Physical Location of Property: 424 S PERSIMMON ST

[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: TR 8E ABST 629 J PRUITT

[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: sf-6: single family residential

Current Use of Property: wooded vacant

Proposed Zoning District: C : commercial

Proposed Use of Property: warehouse

HCAD Identification Number: 0440550000067 Acreage: 2.00

Please note: A courtesy notification sign will be placed on the subject property during the public hearing process and will be removed when the case has been processed.

This is to certify that the information on this form is COMPLETE, TRUE, and CORRECT and the under signed is authorized to make this application. I understand that submitting this application does not constitute approval, and incomplete applications will result in delays and possible denial.

X Mike Arledge 7/25/24
Signature of Applicant Date

X Scott R. Wilson 07/26/24
Signature of Owner Date

Submittal Requirements

The following summary is provided for the applicant's benefit. However, fulfilling the requirements of this summary checklist does not relieve the applicant from the responsibility of meeting the regulations in the Zoning Ordinance, subdivision regulations, and other development related ordinances of the City of Tomball.

Applications must be received by the City of Tomball at least 40 calendar days prior to the City Planning and Zoning Commission hearing date.

- **Application Fee: \$1,000.00 (standard zoning) or \$1,500.00 (PD zoning)**
- **Completed application form**
- ***Copy of Recorded/Final Plat**
- **Letter stating reason for request and issues relating to request**
- **Conceptual Site Plan (if applicable)**
- **Metes & Bounds of property**
- **Payment of all indebtedness attributed to subject property must be paid with application or an arrangement in accordance with Section 50-36(a)(3) of the Code of Ordinances as cited below:**

(No person who owes delinquent taxes, delinquent paving assessments, or any other fees, delinquent debts or obligations or is otherwise indebted to the City of Tomball, and which are directly attributed to a piece of property shall be allowed to submit any application for any type of rezoning, building permit, or plan review until the taxes, assessments, debts, or obligations directly attributable to said property and owed by the owner or previous owner thereof to the City of Tomball shall have been first fully discharged by payment, or until an arrangement satisfactory to the City has been made for the payment of such debts or obligations. It shall be the applicant's responsibility to provide evidence of proof that all taxes, fees, etc.. have been paid, or that other arrangements satisfactory to the City have been made for payment of said taxes, fees, etc.)

The City's staff may require other information and data for specific required plans. Approval of a required plan may establish conditions for construction based upon such information.

***Legal Lot Information:** If property is not platted, a plat will be required to be filed with the Community Development Department unless evidence of a legal lot is provided. To be an un-platted legal lot, the applicant is required to demonstrate that the tract existed in the same shape and form (same metes and bounds description) as it currently is described prior to August 15, 1983, the date the City adopted a subdivision ordinance.

Application Process

1. The official filing date is the date the application and fee are received by the City.
2. The City will review the application for completeness and will notify the applicant in writing within 10 days if the application is deemed incomplete.
3. Property owners within two-hundred (300) feet of the project site will be notified by letter within 10 calendar days prior to the public hearing date and legal notice will appear in the official newspaper of the City before the eighth calendar day prior to the date of the hearing.
4. A public hearing will be held by the Planning and Zoning Commission at 6:00 p.m. in the City Council chambers, unless otherwise noted. The Planning and Zoning Commission meetings are scheduled on the second Monday of the month. The staff will review the request with the Commission and after staff presentations the chair will open the public hearing. The applicant will have ten (10) minutes to present the request. The chair will then allow those present in favor of the request and those in opposition to the request to speak. The Commission may then ask staff or anyone present additional questions, after which the Commission may close or table the public hearing. The Commission may then vote to recommend approval or denial to the City Council. The Commission may also table the request to a future date before a recommendation is sent to the City Council.
5. A second public hearing will be scheduled before the City Council after fifteen (15) days of legal notice. The Council meetings are held on the first (1st) and third (3rd) Mondays of the month at 6:00 p.m. in the City Council chambers (401 Market Street, Tomball, Texas, 77375).
6. The City Council will conduct a public hearing on the request in the same manner as the Planning and Zoning Commission. In the event that there has been a petition filed with the City Secretary with twenty percent (20%) of the adjoining property owners in opposition to the subject zoning request, it will require a three fourths (3/4) vote of the full Council to approve the request. Upon approval of the request by the City Council, an amended ordinance shall be prepared and adopted. The ordinance shall have two separate readings and will be effective at such time that it is adopted by City Council and signed by the Mayor and attested by the City Secretary.

FAILURE TO APPEAR: It is the applicant/property owner's responsibility to attend all Planning and Zoning Commission and City Council meetings regarding their case. Failure of the applicant or his/her authorized representative to appear before the Planning and Zoning Commission or the City Council for more than one (1) hearing without approved delay by the City Manager, or his/her designee, may constitute sufficient grounds for the Planning and Zoning Commission or the City Council to table or deny the application unless the City Manager or his/her designee is notified in writing by the applicant at least seventy-two (72) hours prior to the hearing. If the agenda item is tabled the Planning and Zoning Commission shall specify a specific date at which it will be reconsidered.

Recorded at the request
of CAPITAL TITLE

General Warranty Deed

GF No.: 24-79161616-TB

Notice of confidentiality rights: If you are a natural person, you may remove or strike any or all of the following information from any instrument that transfers an interest in real property before it is filed for record in the public records: your Social Security number or your driver's license number.

Date: May 23, 2024

Grantor: **Martha Lucia Gonzalez who acquired title as Martha Lucia Gonzales, a single person**

Grantor's Mailing Address: 5707 Alicia Drive Tomball, TX 77375

Grantee: **Scott R. Wilson**

Grantee's Mailing Address: 17515 Spring Cypress Rd Ste # 308 Cypress, TX 77429

Consideration: the sum of TEN DOLLARS (\$10.00) cash, and other good and valuable consideration

Property (including any improvements):

BEING A 1.991 ACRE (86,745 SQUARE FOOT) TRACT OR PARCEL OF LAND SITUATED IN THE JESSE PRUITT SURVEY, A-629, HARRIS COUNTY, TEXAS AND BEING THE SAME CALLED 2.0 ACRE TRACT CONVEYED UNTO MARTHA LUCIA GONZALES BY DEED RECORDED UNDER CLERK'S FILE NO. 20100326218 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF HARRIS COUNTY, TEXAS; SAID 1.991 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS WITH BEARINGS BEING BASED ON THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE 4204:

Commencing at a 5/8 inch iron rod found lying in the West line of South Persimmon Street and marking the northeast corner of a called 0.999 acre tract conveyed unto David L. Singleton, Sr., by deed recorded under clerk's file no. Z167269, same being the southeast corner of a called 2.001 acre tract conveyed unto Jason Kachman by deed recorded under RP-2019-129619 of the Official Public Records of Real Property of Harris County, Texas, and being S 02°55'59" E, 158.73 feet (Called S 00°50'00" E-158.88 feet) from the northeast corner of the 2.001 acre tract, said corner also being the northeast corner of a called 3.00 acre tract conveyed unto Robert L. Singleton, Jr. by deed recorded under clerk's file no. J583367 of the Official Public Records of Real Property of Harris County, Texas;

Thence, S 02°55'59" E-98.71 feet (Called S 00°48'40" E-98.75 feet) along the West line of South Persimmon Street, coincident with the East line of said 0.999 acre tract to the northeast corner of the herein described tract and the southeast corner of the said 0.999

RP-2024-188233

RP-2024-188233

acre and 3.00 acre tracts, and from which a 1/2 inch iron rod found for reference bears S 87°57' W-0.20 feet;

Thence, S 02°55'59" E-170.21 feet (Called S 00°50' E-170.70 feet), continuing along the West line of South Persimmon Street and coincident with the East line of the aforesaid 2.0 acre tract to the southeast corner of the 2.0 acre tract and the herein described tract, said corner being the northeast corner of a called 1.1408 acre tract conveyed unto Baldomero Araiza, et al by deed recorded under clerk's file no. 20110173306 of the Official Public Records of Real Property of Harris County, Texas; from said corner a one inch iron pipe found for reference bears N 52°04' E, 0.18 feet and a 5/8 inch iron rod found marking the southeast corner of said 1.1408 acre tract bears S 02°55'59" E-97.00 feet (Called S 00°50' E-97.00 feet);

Thence, S 87°57'28" W-511.20 feet (Called West-511.66 feet) with the South line of said 2.0 acre tract and coincident with the North line of said 1.1408 acre tract to a 1/2 inch iron rod found marking the northwest corner of the 1.1408 acre tract, same being the southwest corner of the 2.0 acre tract and the herein described tract, and being located N 02°24'20" W-97.28 feet (Called North-96.99 feet);

Thence, N 02°15'14" W-169.85 feet (Called North-170.68 feet) to a t-post found marking the northwest corner of the 2.0 acre tract and the herein described tract; said corner also being the southwest corner of the aforesaid 2.001 acre tract and the southwest corner of the aforesaid 3.00 acre tract;

Thence, N 87°55'10" E-509.19 feet (called east-509.18 feet) along the North line of the 2.0 acre tract and coincident with the South line of said 3.00 acre tract to the Point of Beginning and containing 1.991 acres, (86,745 square feet) of land, more or less.

Reservations from Conveyance: None

Exceptions to Conveyance and Warranty:

This conveyance is made and accepted subject to all restrictions, encumbrances, easements, covenants, and conditions relating to the Property filed for record in Harris County, Texas.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

When the context requires, singular nouns and pronouns include the plural.

EXECUTED this 24th day of May, 2024.

Martha Lucia Gonzalez
Martha Lucia Gonzalez who acquired title as Martha Lucia Gonzales

THE STATE OF Texas §
COUNTY OF Harris §

Before me, a Notary Public, the foregoing instrument was acknowledged on 24th day of May, 2024 by Martha Lucia Gonzalez who acquired title as Martha Lucia Gonzales who personally appeared before me, and who is known to me through photo ID to be the person(s) who executed it for the purposes and consideration expressed therein, and in the capacity stated.



Marcella Abbis

NOTARY PUBLIC STATE OF Texas

AFTER RECORDING, RETURN TO:

PREPARED IN THE LAW OFFICE OF
Shaddock & Associates, P. C.
2400 N. Dallas Parkway, Ste. 560
Plano, Texas 75093

RP-2024-188233

UNOFFICIAL COPY

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RP-2024-188233
Pages 4
05/23/2024 03:02 PM
e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
TENESHIA HUDSPETH
COUNTY CLERK
Fees \$33.00

UNOFFICIAL COPY

RECORDERS MEMORANDUM

This instrument was received and recorded electronically and any blackouts, additions or changes were present at the time the instrument was filed and recorded.

Any provision herein which restricts the sale, rental, or use of the described real property because of color or race is invalid and unenforceable under federal law.
THE STATE OF TEXAS
COUNTY OF HARRIS
I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me; and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas.



Teneshia Hudspeth
COUNTY CLERK
HARRIS COUNTY, TEXAS

To Whom It May Concern,

My name is Mike Arledge, and I have been a resident at 11902 Gatesden Drive, Tomball, TX 77377 since August 1997—27 years. While I reside outside the city limits, I am within the Tomball Independent School District (ISD). Over the years, I have sent two children through the Tomball ISD from kindergarten to 12th grade. Both graduated from college within four years and have since returned to Tomball.

For the past 14 years, I have been renting office space at 7014 Belgold Street, Houston, TX, for my construction and real estate development businesses. I am interested in relocating my businesses to Tomball and purchasing property for my office instead of continuing to rent.

According to the current future use map, the properties to the west, south, and east of my proposed site are designated as Business Park and Industrial. The current zoning map indicates that the surrounding properties are zoned for Light Industrial, Commercial, General Retail, and Single-Family Residential uses. Given this context, I believe that rezoning the property in question to allow for commercial use would be consistent with the changes already present in the surrounding area.

The cost of land makes single-family residential development economically unfeasible—approximately only eight homes could be accommodated on the property, and only on one side of the road. Therefore, the highest and best use of the land appears to be for commercial purposes, similar to the properties at 702 S Persimmon St and 701 S Persimmon St in Tomball.

Thank you for considering this proposal. I look forward to discussing this matter further.

Regards,

Mike Arledge

Building 25,000 sq.ft

